



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,713	01/16/2004	Dale Carpenter	LL2003-07	6547
37951	7590	05/26/2006	EXAMINER	
LETHAM PATENT GROUP LLC 914 N. TUCANA LANE GILBERT, AZ 85234			RICCI, JOHN A	
			ART UNIT	PAPER NUMBER
			3711	

DATE MAILED: 05/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/758,713

Applicant(s)

CARPENTER ET AL.

Examiner

John Ricci

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 and 45-49 is/are pending in the application.
4a) Of the above claim(s) 1-10, 12-28 and 35-39 is/are withdrawn from consideration.
5) ☒ Claim(s) 40-43 is/are allowed.
6) ☒ Claim(s) 11, 29, 34, 46 and 47 is/are rejected.
7) ☒ Claim(s) 30-33, 45, 48 and 49 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Application/Control Number:
10/758,713
Art Unit: 3711

Page 2

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 11, 29, 34, 46, & 47 are rejected under 35 U.S.C. 102(e) as being anticipated by Ferrara et al 6,588,412.

In Ferrara, the combination of 14, 20, & 23 is considered the "coupler"; the combination of 20 & 23 is the "feed neck". Ferrara shows a paintball marker system including a hopper 12; marker 11; a coupler (14, 20, 23) having a passage for paint balls, which couples hopper 12 to marker 11; the coupler having a feed neck (20, 23) connected to the hopper (by means of friction against tube 29 when nut 20 is tightened), the coupler also having a marker mount 14 connected to the marker by means of threads.

Application/Control Number:
10/758,713
Art Unit: 3711

Page 3

19; the feed neck is releasably coupled to the marker mount
by means of threads 21.

* * * * *

Claims 30-33, 45, 48, & 49 are objected to as being
dependent upon a rejected base claim, but would be
allowable if rewritten in independent form including all of
the limitations of the base claim and any intervening
claims.

Claims 40-43 are allowed.

* * * * *

Applicant's arguments filed 3/21/06 have been fully
considered but they are not persuasive. The rejection is
more fully explained above.

* * * * *

THIS ACTION IS MADE FINAL. Applicant is reminded of
the extension of time policy as set forth in 37
CFR 1.136(a).

A shortened statutory period for reply to this final
action is set to expire THREE MONTHS from the mailing date

Application/Control Number:
10/758,713
Art Unit: 3711

Page 4

of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

* * * * *

This letter was prepared by Examiner John Ricci, who can be reached at:

Voice: 571-272-4429

Fax: Use 571-273-8300 for papers to be delivered directly to the mail room, like formal amendments and responses, change of address, power of attorney, petitions.

Application/Control Number:
10/758,713
Art Unit: 3711

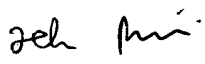
Page 5

Use 703-783-0439 for papers to be delivered directly to the Examiner, like informal or proposed responses for discussion, or notes in preparation for an interview.

Response by Fax is encouraged to reduce mail processing time. Please don't send duplicate papers by mail and Fax.

PTO main switchboard: 800-786-9199.

Visit our Web site at www.uspto.gov.


JOHN RICCI
PRIMARY EXAMINER
ART UNIT 3711